

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY CRAWFORD,

Plaintiff, No. CIV S-02-1180 GEB JFM P

vs.

K. TASISTA, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On August 15, 2005, plaintiff filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56. Said motion consists solely of a four page memorandum of points and authorities. It is not accompanied by a statement of undisputed facts with appropriate evidentiary support, as required by Local Rule 56-260(a). For that reason, the motion will be denied without prejudice.

On August 31, 2005, defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. Plaintiff has not opposed the motion.

Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion . . ." On January 9, 2004, plaintiff was advised of the

1 requirements for filing an opposition to the motion and that failure to oppose such a motion may  
2 be deemed a waiver of opposition to the motion.

3 Local Rule 11-110 provides that failure to comply with the Local Rules "may be  
4 grounds for imposition of any and all sanctions authorized by statute or Rule or within the  
5 inherent power of the Court." In the order filed January 9, 2004, plaintiff was advised that failure  
6 to comply with the Local Rules may result in a recommendation that the action be dismissed.

7 Good cause appearing, plaintiff will be directed to file an opposition, if any he  
8 has, to the motion for summary judgment or a statement of non-opposition. Plaintiff may, as  
9 appropriate, renew his motion for summary judgment with the filing of an opposition to  
10 defendants' motion.

11 In accordance with the above, IT IS HEREBY ORDERED that:

12 1. Plaintiff's August 15, 2005 motion for summary judgment is denied without  
13 prejudice; and

14 2. Within thirty days of the date of this order, plaintiff shall file an opposition, if  
15 any he has, to defendants' August 31, 2005 motion for summary judgment or a statement of non-  
16 opposition. Failure to comply with this order will result in a recommendation that this action be  
17 dismissed pursuant Federal Rule of Civil Procedure 41(b).

18 DATED: October 21, 2005.

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21 UNITED STATES MAGISTRATE JUDGE  
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